

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEIGH-DAVIS GLASS,) No. C 08-1585 JSW (PR)
)
Petitioner,)
)
vs.) **TRANSFER ORDER**
)
)
ROBERT E. MCFADDEN,)
)
Respondent.) (Docket No. 2)

The instant action is a pro se petition for a writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, by a federal prisoner incarcerated at the Federal Prison Camp–Victorville, in Adelanto, California. Adelanto is located in San Bernardino County, which lies within the venue of the Central District of California.

A writ under § 2241 “can issue only from a court with jurisdiction over the prisoner or his custodian.” *Mills v. Taylor*, 967 F.2d 1397, 1400 (9th Cir. 1992) (citing *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494-95 (1973)). However, “venue considerations may, and frequently will, argue in favor of adjudication of the habeas claim in the jurisdiction where the habeas petitioner is confined.” *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 813 (D.C. Cir. 1988). As a general matter, federal courts take the position that the district of confinement “is normally the forum most convenient to the parties,” *McCoy v. United States Bd. of Parole*, 537 F.2d 962, 965 (8th Cir. 1976), and therefore, “in the interests of justice,” exercise their discretion to transfer petitions to the district of confinement pursuant to 28 U.S.C. § 1404(a). *See id.*; *see also Dunne v. Henman*, 875 F.2d 244, 249-50 (9th Cir. 1989) (suggesting that preferred forum is

1 district where petitioner is confined, even where district court has personal jurisdiction
2 over custodian).

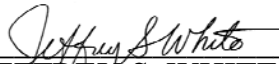
3 Because petitioner is incarcerated in the Central District of California, and was
4 convicted there, the Central District of California is the more convenient forum.
5 Accordingly, this action is hereby TRANSFERRED to the United States District Court
6 for the Central District of California under 28 U.S.C § 1404(a).

7 In light of this transfer, the Court will defer to the Central District for ruling on
8 Petitioner's motion for leave to proceed *in forma pauperis*.

9 The Clerk shall terminate Docket No. 2 on this Court's docket.

10 IT IS SO ORDERED.

11 DATED: May 13, 2008

12 

JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LEIGH-DAVIS GLASS,

Plaintiff,

v.

ROBERT E. MCFADDEN et al,

Defendant.

Case Number: CV08-01585 JSW

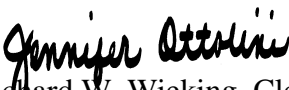
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 13, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Leigh-Davis Glass
Reg No. 24821-112
Federal Prison Camp-FCC Victorville
P.O. Box 5100
Adelanto, CA 92301

Dated: May 13, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk